

# DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below adjacent to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of subject matter (process, machine, manufacture, or composition of matter, or an improvement thereof) which is claimed and for which a patent is sought by way of the application entitled Tone Detector With Noise Detection And Dynamic Thresholding For Robust Performance

which (check)  is attached hereto.

and is amended by the Preliminary Amendment attached hereto.

was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
Number	Country	Day/Month/Year Filed	Yes	No
N/A			<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date
N/A	

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)

N/A	
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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

Alan H. MacPherson (24,423); Thomas S. MacDonald (17,774); Kenneth E. Leeds (30,566); Brian D. Ogonowsky (31,988); David W. Heid (25,875); Norman R. Klivans (33,003); Edward C. Kwok (33,938); David E. Steuber (25,557); Michael Shenker (34,250); Stephen A. Terrible (32,946); Peter H. Kang (40,350); T. Lester Wallace (34,748); Ronald J. Meetin (29,089); Ken John Koestner (33,004); Omkar K. Suryadevara (36,320); David T. Millers (37,396); Kent B. Chambers (38,839); Serge J. Hodgson (40,017); Michael P. Adams (34,763); Bernard Berman (37,279); Michael J. Halbert (40,633); Gary J. Edwards (41,008); William B. Tiffany (41,347); James E. Parsons (34,691); Daniel P. Stewart (41,332); Philip W. Woo (39,880); John T. Winburn (26,822); Tom Chen (42,406); Fabio E. Marino (43,339); William W. Holloway (26,182); Elaine H. Lo (41,158); Don C. Lawrence (31,975); Marc R. Ascolese (42,268); Carmen C. Cook (42,433); David G. Dolezal (41,711); Adrian J. Lee (42,785); Michael P. Noonan (42,038); Roberta P. Saxon (43,087); J. Vincent Tortolano (31,433); Vincenzo D. Pitruzzella (28, 656); Richard J. Roddy (27,688); William D. Zahrt, II, (26,070); Charles E. Quarton (24,825); Louise K. Miller (36,609); Paul S. Drake (33,491); Louis A. Riley (39,817); Rita M. Wisor (41,382); Mary Jo Bertani (42,321); Dale R. Cook (42,434) and Elizabeth A. Apperley (36,428).

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I declare that all statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and all statements made herein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties including fine or imprisonment or both as set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or this document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom.

Full name of sole (or first joint) inventor: John G. Bartkowiak

Inventor's Signature: John G. Bartkowiak Date: 9/23/88

Residence: Austin, Texas

Post Office Address: 1203 Wilderness Cove  
Austin, Texas 78746

Citizenship: UK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John G. Bartkowiak

Assignee: Legerity, Inc.

Title: TONE DETECTOR WITH NOISE DETECTION AND DYNAMIC THRESHOLDING FOR ROBUST PERFORMANCE

Application No.: 09/160,415 Filed: September 25, 1998

Examiner: M. Opsasnick Group Art Unit: 2645

Atty. Docket No.: 028-0124 Conf. No.:

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COMMISSIONER FOR PATENTS  
Washington, DC 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(INCLUDING REVOCATION OF PRIOR POWERS)**

Dear Sir:

Assignee of record of the entire interest of the above-identified application hereby revokes all powers of attorney previously given and appoints the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

Mark Zagorin (36,067); Andrew C. Graham (36,531); David W. O'Brien (40,107); Jeffrey G. Toler, (38,342); Jeffrey S. Abel (36,079); Michael P. Noonan, (42,038); Rita M. Wisor, (41,382); Abdul R. Zindani (46,091); and Louis A. Riley (39,817).

**CORRESPONDENCE ADDRESS**

Please direct all correspondence concerning this application according to the USPTO Customer Number, if provided below, or otherwise to the individual and/or firm named below:

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22120
PATENT TRADEMARK OFFICE

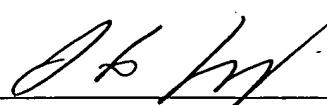
**COPY**

**STATEMENT UNDER 37 CFR § 3.73(b)**  
**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

The assignee, Legerity, Inc., seeks to take action in the above-identified patent application. Documentary evidence of a chain of title from the inventors to the above-identified assignee is recorded in the records of the U.S. Patent and Trademark Office at Reel/Frame 011700/0686 and Reel/Frame 9543/0142.

7-62-01

Date

  
Louis A. Riley, 39,811  
General Counsel and Secretary  
Legerity, Inc.

**COPY**

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Mailing Date: July 5, 2002

Commissioner for Patents  
Washington, D.C. 20231

Inventor(s): John G. Bartkowiak	
Title: TONE DETECTOR WITH NOISE DETECTION AND DYNAMIC THRESHOLDING FOR ROBUST PERFORMANCE	
Appl. No.: 09/160,415	Filed: September 25, 1998
Atty. Docket No.: 028-0124	

(1) Power of Attorney by Assignee (2 pages);  
(2) This Return Postcard

RECEIVED  
ZAGORIN O'BRIEN & GRAHAM, L.L.P.

JUL 22 2002

RECORDED  
JUL 26 2002

Mailing Date: July 5, 2002

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